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April 9, 1996

Chairman Reed Hundt  
Federal Communications Commission  
Washington, D.C. 20554

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Dear Chairman Hundt:

Enclosed I offer the Washington State Library's comments on the Notice of Proposed Rulemaking for Consideration of Universal Service, pursuant to the Telecommunications Act of 1996 (CC Docket 96-45), in electronic format.

We have formatted the disk to the specifications suggested in the NPRM. The attachments are not included on this disk but are available either by consulting the paper copies we have submitted, or for the asking. All other portions of our comments are included on the disk.

If you, or any of your staff, have questions about this information, please do not hesitate to contact me. In addition to the address and telephone information above, I can be reached through electronic mail at [nzussy@wln.com](mailto:nzussy@wln.com).

Sincerely,

Nancy Zussy,  
State Librarian

Enclosure

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**CERTIFICATE OF SERVICE**

I, Nancy Zussy, do hereby certify that I have this 9th day of April, 1996, mailed postage prepaid, copies of the foregoing **"Joint Reply Comments of the Named Washington State Library"** to the following:

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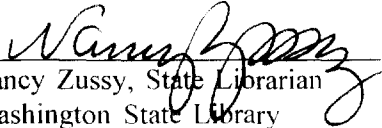
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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C.

In the Matter of	)	
	)	
Notice of Proposed Rulemaking	)	CC DOCKET 96-45
and Order Establishing Joint	)	
Board, March 8, 1996	)	

To: The Commission

**I. SUMMARY**

The Nation's not-for profit libraries play a vital role in society -- providing direct and support education services throughout the lifetime of each resident, bolstering economic development, and serving as the most broadly inclusive marketplace for ideas. Library service of various types exists in almost every community in the Nation -- in population dense urban areas, affluent suburbs, rural towns, and in isolated communities, making them, along with public schools, the most ubiquitous public institution in the Nation.

The foundation of the ways libraries function has undergone -- is still undergoing -- the most revolutionary change in history. With increasing speed, the information sources and service delivery methods that form the basis of library service are catapulting into an electronic environment that often outstrips the ability for libraries to remain current. At the heart of this revolution is sophisticated telecommunications, without which libraries will be unable to remain the vital public institutions they are today.

The United States Congress recognized the gravity of this situation by providing for specialized "universal services" specifically for the benefit of libraries, as well as schools and health



care providers. The Federal Communications Commission has likewise proposed rules to implement these important tools for these agencies. As a key player in the development of library services in the State of Washington, the Washington State Library offers the following comments to that proposed rulemaking.

The key points the Washington State Library wishes to make are as follows:

1. The "core" services anticipated in the rule making reflect those traditionally considered as basic services to telephony. Those services are no longer adequate for the basic needs of libraries, which operate increasingly in a sophisticated electronic environment. Thus, services originally anticipated to be "advanced" services may indeed now be "core" services.

2. Today's technology is evolving at a pace unprecedented in history, with no sign of a slowdown. Thus, it is more effective to focus on results to be attained rather than specific technologies in defining service levels.

3. The needs of all types of libraries -- located in a variety of geographic and economic circumstances -- must be met in as equitable a way as possible. The current atmosphere of deregulation must not result in differential pricing which penalizes libraries located in "high-cost, insular" areas. Similarly, access to sophisticated telecommunications services must be within the reach of all libraries, including large urban systems with the multiple branches required to reach a large population base.

4. The "No Resale" provisions should be crafted with care, in order not to discourage or nullify vital, cost-effective partnerships between libraries and other, non-eligible partners.

The Washington State Library appreciates the opportunity to comment on this Notice of Proposed Rulemaking and looks forward to continuing to be active in this process and that of the Joint Board.

**JOINT REPLY COMMENTS OF THE NAMED**  
**WASHINGTON STATE LIBRARY**

**II. COMMENTS**

¶ 3 (7) **Additional Principles:** With the pace of technological change accelerating geometrically, it is more effective to define service levels in terms of a desired state of circumstances and situations to be maintained with succeeding generations of technologies than in terms of specific technologies, services, and functionalities.

The FCC should therefore consider adding another principle to the six in the proposed rulemaking, which might read as follows: **(7) DEFINING SERVICE LEVELS IN TERMS OF GOALS. -- Because technology is changing at a rapid rate, service levels will be defined in terms of the result(s) to be achieved, rather than in terms of a specific service, technology, or functionality.**

There is another, often considered but rarely applied, principle that will become increasingly important in an electronic world. The FCC should consider adding another principle to those in the

NPRM, which might read as follows: **(8) PRIVACY OF USERS OF TELECOMMUNICATIONS SERVICES.** -- Because the services that advanced telecommunications make possible can also make information about individuals more readily available, telecommunications consumers should be assured of reasonable personal privacy in telecommunications and electronic services transactions, in accordance with the laws and regulations of their individual states.

¶ 6 **Balancing High-Cost, Insular Regions with Urban Areas:** In the move to deregulate the telecommunications industry, there appears to be emerging a trend, manifested in many states, including Washington -- the separation of a state into "urban" and "other" areas -- with charges anticipated to be lower for larger urban areas and higher in rural and insular areas. Given the historical comparative disposable income available to pay for telecommunications (higher in urban areas, lower in rural areas), this trend is highly counterproductive. If applied to libraries, schools, and health care providers, it would be inconsistent with the apparent intent of the Telecommunications Act of 1996 -- ensuring access to quality, sufficient, **affordable** telecommunications services.

¶ 23 **Other Services that Should be Included Among the Services Receiving Universal Service Support, as Applied to Libraries, Schools, and Health Care Providers:** The "core" services listed in paragraphs 18-22 of the FCC's NPRM may have been sufficient to support the basic operations and service functions of a library in the past, but by no means are they sufficient now, and they will fall further below the required minimum with each passing year. These "core services" have supported a primarily print based information service delivery system. Even as access to electronic information and the public's demand for it has increased, a print/paper or

microform version of that information has generally been available as a workable, albeit far less efficient, alternative.

**Increased Digitation of Basic Information Sources:** In the past two to three years, however, private and public entities are moving inexorably to publish their primary information sources in electronic format. Indeed, the U.S. Government Printing Office has been publishing over 90 percent of the government information they distribute to libraries in electronic format only. This move is a revolutionary change for libraries, which depend upon GPO documents as often unique sources of vital information. Several private publishers are following that trend in publishing other important information sources.

Similarly, there is a rapidly growing movement on the part of state and local governments to digitize and make electronically available large quantities of information and services produced by government. In Washington State, a task force recently explored ways to encourage and implement this initiative. As the task force proceeded, it became very clear that state and local officials are coming to expect local libraries to serve as a major conduit for this information and these services. Libraries cannot fulfill this role without ready, affordable access to what are suggested as "advanced services" in the FCC's NPRM.

**Use of Sophisticated Technology Basic to Library Operations:** The use of electronic information through more sophisticated telecommunications is now part of the basic business of a library. Telecommunications spread and equalize service over large geographic areas. Without it, branch libraries could not have access to such vital resources as full-text magazine/journal services. In the paper-based environment, there would have been no access to such items, due to the

prohibitive costs of providing it. Thus the "core" services described in the FCC NPRM no longer suffice as "core" services for the Nation's libraries -- either urban or rural. Without sophisticated telecommunications capabilities -- which the FCC NPRM suggests may be included at the "advanced," and not the "core," level, these and other basic information sources may be available in libraries only through the headquarters facilities of the Nation's larger library systems. Although services are more effectively described in terms of results rather than specific functionalities in the telecommunications environment in which libraries operate today, the following would appear to be the minimum set of capabilities for libraries:

- **digital access to both graphics and text which has the capacity to support multiple workstations.**

If a benchmark is necessary to gage when and whether a service should be a "core" service, either the emerging California definition of "65 percent of eligible subscribers subscribe to the service" or the more conservative one being discussed in Washington State of 80 percent." When applied to libraries, this benchmark ironically does not serve well, as many libraries want and need certain services, but they either cannot afford to acquire and maintain them, or their carrier(s) cannot or wish not to supply them.

¶ 39 **Defining "Geographic Area for the Purposes of 254(h)(1)(B):** One approach which the FCC should consider is the fact that even in rural areas a community will have at least two of the three targeted universal services support agencies -- a library, a school, and/or a health care provider. The service areas of these entities tend to overlap; the summary of their areas might form the nucleus for determining the geographic area for receiving universal services support. The

use of frame relays, particularly in more rural areas, may well mitigate costs involved in providing service to all three types of public agencies.

¶ 42 **Multiple Vs. "Eligible" Carriers:** Designation of one or more common carriers in areas served by a "rural telephone company" for purposes of universal service support is an especially important matter for rural libraries with multiple branches, into which the library system implements networked automated services such as those provided by circulation (check in/check out) systems. For example, the Whitman County, Washington, library system serves approximately 15,900 people through 13 outlets. In installing their circulation system, they had to negotiate and deal with 9 separate telephone companies. In multiple county library districts this challenge is even greater.

Service areas of rural telephone companies are generally small and do not necessarily coincide with the service area of a library system. In implementing universal services to libraries, it might therefore be advantageous, albeit challenging, to designate one common carrier -- presumably a larger carrier -- to expand its service area to coincide with that of the local library system, for the sole purpose of delivering universal service to that library system. The library sector recognizes that such a designation might prove difficult in some situations, and suggests that such determinations might well be made at the state level.

**Alternative Providers?** Libraries in rural areas are quite experienced in finding creative solutions to technological dilemmas. In the coming months when a multitude of entities -- private and public -- examine the Telecommunications Act of 1996 for the potential opportunities it holds, less traditional entities will doubtlessly enter the market for delivering telecommunications services.

One example may be arising in the five county area served by the North Central Library District in Washington State. The district is migrating from up to eight common carriers at any one time (and the players change often, frequently with little or no notice to the library) to a repurchase arrangement with their local Public Utility District (PUD). The latter is closely examining the Act and may enter the market as a provider in the near future. If so, the PUD's infrastructure is sufficiently pervasive that it may well offer an effective alternative to a set of constantly moving, patchwork arrangements with multiple common carriers of various sizes and capabilities. In terms of widespread infrastructure, cable companies might also fulfill this role, particularly in rural areas.

**¶ 71 "Advanced Services:" Goals and Principles:** Section III of the NPRM (¶ 18-22) discusses "core" services, in addition to which "advanced" services are proposed for schools, libraries, and health care providers. The FCC has asked for comment on which additional services might be considered "advanced" services. With rapid changes in technology accelerating faster each year, that question is not necessarily easy to answer, particularly in terms of specific technologies or functionalities which may be superseded with a more effective technology within a short period of time. Further, the wide variety of circumstances in which rural libraries find themselves dictate a variety of solutions to the challenge of implementing adequate telecommunications and information services connectivity.

**Results, Rather Than Specific Services:** To describe a set of services in such terms as "access to touch tone technology or single party lines" may suffice for a time, but may also serve to limit the possibilities in even the short term future. The Washington State Library has learned that designing technology projects involving libraries in a variety of circumstances and enjoying various levels of technological capabilities is better accomplished by articulating the desired results, and

then aggregating an overall inventory of technologies needed from the responses of individual entities responding to the question, "what would it take for your organization to achieve the stated goal?"

The most recent example of this approach is directly germane to the FCC's NPRM. The State Library surveyed all public libraries in the state, asking the following of them:

**"What technologies would it take for your library to meet the following service goal:**

**'The users of each public library [branch as well as headquarters] in Washington State will have walk-in access to electronic information provided by an affordable and reliable graphical connection to the Internet and other digital information products.'"**

Not surprisingly, the survey (a copy of which is attached to these comments), few libraries in the state can offer such services now. Equally expected was the fact that local solutions were not standardized; they did not repeatedly describe the same technological configurations to meet that goal. To therefore describe either "core" or "advanced" services in terms of a service or technology would be difficult at least, and quickly obsolete at best.

If, however, a distinction must be made between "core" and "advanced" services, one example of the latter might be the deployment of frame relays, without mileage charges.

**¶ 77 "Bona Fide Request:" [Please see comments under ¶20 (Mechanism to Certify Educational Use Only"), below, and ¶71, above]**



¶ 78 **Advance Services [Please see comments under ¶71, above]**

¶ 79 **Internet Access in Libraries:**

The FCC cites a 1995 study of elementary and secondary schools for the rate of Internet access. Only 9 percent responded in the affirmative, citing funding and inadequate telecommunications links as the greatest barriers to acquiring and using advanced telecommunications services in schools. There are strong parallels, both in terms of percent of deployment and barriers to deployment, for the Nation's libraries.

Between late 1995 and early 1996, the Washington State Library surveyed Washington public libraries to determine the extent of public access Internet. As of that time, 36 percent offered such a service somewhere in their systems. Few of even the largest systems offered such access in all branches, nor did access uniformly include graphics as well as text. A summary of that survey is attached to these comments.

In the recent 1996 Legislative Session, the State Library initiated attempt to obtain funding to meet the goal of "**The users of all public libraries in Washington [branches as well as headquarters] will have walk-in access to electronic information provided by an affordable and reliable graphical connection to the Internet and other digital information products.**" In discussions with both the Legislature and the library community, it quickly became apparent that even with substantial start-up funding to implement this goal, the maintenance of the services thus made possible would be burdensome to most libraries, if not impossible, even on a dial-up basis. In other words, the initial acquisition of digital technology is not nearly so significant a burden to

libraries and the support of on-going telecommunications support. It is safe to say that, absent access to meaningful universal service support mechanisms or other highly discounted telecommunications services, public access to vital electronic information sources and services will be limited in every area, including highly urban areas.

**¶ 80 Functionalities Required to Achieve Broadbased Public Access to the Internet and Other Digital Services:** The Washington State Library's 1996 study revealed that although libraries in similar circumstances might employ similar solutions to achieve electronic connectivity, there is no one path to achieving public access Internet. Particularly in a state which includes rural areas with significant geographical barriers (in fact, which is divided into East and West by a major mountain range), and which contains a broad mix of income levels and access to technology, each locality must devise its own best solution to connectivity. The attached survey summary results illustrate some of that variety.

It is because there are multiple answers to the connectivity challenge that it is more effective to respond to the question of "how to connect" with "whatever it takes to meet the minimum goal of achieving a digital graphical interface, multiple workstation environment."

Basic connectivity might not suffice for libraries as a "basic service." The types of services libraries deliver require more sophisticated installations for simultaneous transactions. If more than one user will be operating at any one time (and that would be the case in all but the very smallest of libraries), then the capacity required for electronic service delivery (with full graphics as well as text, and delivered to multiple simultaneous users) will exceed the capabilities of what is apparently

being proposed as basic core service under the universal services support definition. Footnote number 174 in the FCC's NPRM illustrates this concept well.

¶ 81 **Wireless Technology:** In some circumstances wireless and other alternative technologies may provide an efficient alternative to traditional wired technologies. The State of Alaska has used such methods in the past, with varying, but largely positive, success. On the other hand, the Ft. Vancouver Regional Library (Washington State) enjoyed less success, and in fact encountered quite a number of difficulties in attempting to deploy wireless technology.

**Reflecting Future Advances in Technology:** It will be exceedingly difficult to adequately reflect future advances in telecommunications in future definitions of universal service. The general measure of "**digital access to both graphics and text that has sufficient capacity to support multiple workstations**" would appear to be a target that will move at a bit slower pace than others, but it is still a moving target. Whatever the mechanism recommended by the Joint Board and deployed by the FCC, if the FCC indeed wishes to see libraries, schools, and health care providers effectively using advanced electronic technology, that target will have to be moved from time to time. Otherwise, those agencies will be painfully cognizant of what is "out there" to access and with which to interact, but will be unable to do more than watch from the sidelines.

One possible solution is to look to the professional associations (for libraries, the American Library Association) and its members (the librarians deploying electronic services) for indications of the need for adjustment or change. These associations monitor changes in technology on behalf of their memberships and could be a potent source of not only what is emerging on the technological

scene, but also to what extent and how those emerging technologies affect the services their members deliver. The FCC could, for instance, invite a formal report every two to three years from recognized national library, school, and health care provider associations to address these points.

¶ 84 **Certifying "Educational Use Only" of Discounted Services:** K-12 and higher education libraries play an obvious role in the formal education process. That libraries are inextricably tied to the education process is evident, both officially and in practice. In many states, including Washington, that fact is encoded in law:

"Policy of the state." It is hereby declared to be the policy of the state, **as a part of its provision for public education, to promote the establishment and development of public library service** throughout its various subdivisions." -- Revised Code of Washington 27.12.020 [emphasis added]

Similarly, state library agencies are all charged with establishing and developing public (and sometimes other types of) library services in their states. Some of those agencies reside organizationally within a department of education. Finally, most federal funding for libraries passes through the U.S. Department of Education to state library agencies.

Additional evidence of the role public libraries play in education lies in a recently deployed, nationally implemented planning process [**Planning and Role Setting for Public Libraries, by Charles R. McClure, et al, 1987**]. Among the roles that many public libraries have formally adopted as a basis for their own local strategic planning include "Formal Education Support Center; Independent Learning Center; and Preschoolers' Door to Learning."

**Mechanism to Certify "Educational Use Only":** Thus all the types of libraries eligible for LSCA III play a strong direct or support role in educating the population throughout its life span. The FCC has asked for comment on a possible mechanism for certifying that an individual library meets that definition. Because the definition for discounted services eligibility has been tied to libraries eligible to receive state-based services under LSCA Title III, it would appear to be simplest to ask for that certification from the official(s) with the power to receive and order the expense of such funds. In the case of a state library, that would be either the State Librarian, or an official with the Department of Education or the Governor's Office, etc. The identities of such individuals are on file with the U.S. Department of Education. In the case of a local library, it would be the official who, under state law or regulation, is empowered to request Title III funds under a grant or other program. Again, the identities of those individuals should be either on file or determinable at the state (library) level.

**Carrier Notification of Potential Discounts:** The library community will doubtlessly react very positively to the possibility of receiving information on discounts that might be available to them. However, this information will be relatively meaningless if not stated in terms that are readily understandable by library consumers, few of whom are experts in telecommunications. If the FCC elects to require carriers to regularly notify library (and other discount services customers) of potential discounts available to them, the form of that notification should be developed in concert with those customers to ensure that the information they receive is readily digestible.

**¶ 86 "No Resale" Prohibition:** In most cases the prohibition against resale of discount services should be no significant barrier to libraries' continuing in partnerships with other, ineligible parties. Indeed, in many states, including Washington, there is a prohibition against levying a fee

for "basic library services," which many would define as those made possible by access to sophisticated telecommunications services. A spot check of several library systems in Washington who do share networked services with other, ineligible partners (most often, a unit of local government) revealed that the library's portion of telecommunications charges can usually be readily separated from those of other partners in a network. If the FCC and the Joint Board have lingering concerns in this area, the FCC may wish to require separate, auditable records of the library's portion of a networked arrangement.

**Separate "Universal Services Purchased from Carriers" From "End Product Services Delivered By Libraries:** In instances where sophisticated services based on telecommunications services cannot be deployed without levying a fee for service, the FCC should seriously consider separating the telecommunications **mechanisms** that make an electronically based service possible (the tool) from the **service** itself (the product) in applying the "no resale" prohibition. For instance, a library may not resell its discounted access to its city government, but it may levy a fee for Internet classes, or setting up and maintaining an Internet account through the library, or for maintaining a web site for its unit of local government. Such an application would appear to satisfy the intent of the Telecommunications Act, but this distinction would be more easily known and understood by all concerned if the FCC clarifies it.

Acknowledging and encouraging separate records for libraries when they network with ineligible partners and clearly limiting the "no resale prohibition" to the actual enabling technology that is subject to discount should both help to enable, rather than to discourage, effective partnerships.

**¶ 88 Participation in Discounted Service Based on LSCA III Eligibility:** LSCA III provides an adequate measure to gauge eligibility for discounted services, in that it supports those entities and agencies that are closest to the education process -- school, academic, and state libraries, whether public or private. It is important to note, however, that LSCA is undergoing significant changes through a reauthorization process in Congress. The anticipated new legislation should be a reality before the Joint Board completes its work later this year. The Board may need to either adapt proposed rules or work for a change in the Telecommunications Act based on the outcome of that reauthorization, as it is unclear whether the same application to discounted services eligibility would continue in the successor to LSCA.

**¶ 108 Enhancing Access to Advanced Services -- Goals and Principles:** As discussed in comments to ¶ 23, the types of services the FCC's NPRM suggests might be "advanced services" are actually what libraries see as "core" services, increasingly necessary to conduct the everyday business of libraries.

As to the affordability of discounting such services for libraries, the carriers should look to the considerable experience libraries have had with print publishers and the fact that libraries' free lending has not adversely competed with bookstores and publishers, but rather has enhanced it. Some library users are not content to physically go to a library building to use information they need, once they know it is available. They elect to purchase their own copies of items they use on a routine basis or, in the case of a bestseller, purchase their own rather than wait for a free copy to become available. While the deployment of electronic services is somewhat different, the carriers can expect quite a number of library users to elect to purchase their own electronic access, at a rate higher than the discounted services libraries receive.

¶ 109 **Other-Than-Discounts Promotion of Advanced Services Access:** Second only to funds to acquire and maintain electronic access, libraries need access to expertise on the application of technology to electronic applications. Only the largest local libraries, and increasingly state libraries, have this type of expertise readily available to them. Such customer consulting would help libraries make the soundest decisions on technological solutions and net the carriers positive customer relations (perhaps also savings in support needed after installation).



INTERNET ACCESS IN WASHINGTON'S PUBLIC LIBRARIES								
Library Name	Population	Internet Today 1/96			Internet Access by 12/96			No Access
		Staff	Public Text-Only	Public Graphical	Access for Staff Only in 96	Public Text Access in 96	Graphical Access in 96	None
Anacortes Public Library	12820	1		1				
Asotin County Library	19100	1		1				
Auburn Public Library	35230	1						
Bellingham Public Library	57830	1					1	
Blelyhl Community Library								1
Brewster Public Library								1
Burlington Public Library	5385	1						
Camas Public Library	8015	1					1	
Chewelah Public Library	2322	1		1				
Cle Elum (Carpenter Memorial) Library								1
Colville Public Library	4580	1					1	
Concrete Public Library								1
Davenport Public Library								1
Dayton Memorial Library								1
Denny Ashby Memorial Library								1
Ellensburg Public Library	12990	1					1	
Everett Public Library	79180	1						
Fort Vancouver Regional Library	309840	1					1	
Jefferson County Rural Library District	16935	1					1	
Kalama Public Library	1320	1		1				
Kelso Public Library	11870	1						
Kettle Falls public library	1465	1	1					
King County Library system	987190							
35 branches		35	35					
Kitsap Regional Library	220600							
9 branches		9	9					
Kittitas Public Library								1
La Conner Memorial Library								1